

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ARBUTUS BIOPHARMA CORPORATION	:	
and GENEVANT SCIENCES GMBH,	:	
	:	CIVIL ACTION
Plaintiffs,	:	
	:	
v.	:	
	:	NO. 22-252
MODERNA, INC. and MODERNATX, INC.,	:	

**ORDER**

AND NOW, this 12<sup>th</sup> day of October, 2023, upon consideration of Plaintiffs' September 27, 2023 discovery dispute letter (D.I. 133) and Defendant's Response (D.I. 134), and following a conference, it is hereby **ORDERED** that:

1. Plaintiffs' request for the production of documents and ESI from Moderna, Inc.'s CEO Stephane Ban el is **DENIED WITHOUT PREJUDICE**. Plaintiffs may, if necessary, re-raise this request at a later date.
2. Plaintiffs' request for the production of documents produced by Defendant in the Moderna, Inc. v. Pfizer, Inc. litigation is **DENIED WITHOUT PREJUDICE**. Plaintiffs shall submit to Defendant requests for specific categories of documents from that litigation, and thereafter, counsel shall meet and confer regarding production of those categories of documents.

**BY THE COURT:**

/s/ Mitchell S. Goldberg  
MITCHELL S. GOLDBERG, J.